

**IN THE UNITED STATES DISTRICT COURT OF PENNSYLVANIA  
WESTERN DISTRICT, ERIE DIVISION**

ERIE COUNTY ENVIRONMENTAL COALITION, et. al.)	)	
	)	
Plaintiffs,	)	<b>CIVIL ACTION NO: 05-59E</b>
	)	
v.	)	
	)	
MILLCREEK TOWNSHIP SEWER AUTHORITY, et. al.)	)	
	)	<b>FOR INJUNCTIVE AND</b>
Defendants.	)	<b>DECLARATORY</b>
	)	<b>RELIEF AND FOR</b>
	)	<b>CIVIL PENALTIES</b>
	)	

**DECLARATION IN SUPPORT OF STANDING**

I, **Jimmy Dallas**, do hereby affirm and state:

1. I am a member of The GAIA Defense League and have been a member since February 2005. I am a member of Save Our Native Species (S.O.N.S.) of Lake Erie, a non-voting member of The Erie County Environmental Coalition. I have been a member since the early 1980s . I have personal knowledge of the matters set forth herein, except where they are based upon information and belief. I have personal knowledge of the matters set forth herein, except where they are based upon information and belief.

2. The mission of The GAIA Defense League is:

The mission of the GAIA Defense League is to protect the natural resources available to citizens by utilizing the laws of the Commonwealth of Pennsylvania and the United States. The corporation intends to lawfully monitor the activities of the environmentally regulated community and when necessary, bring enforcement actions in the courts and administrative tribunals. Additionally, the corporation will undertake and promote the education of the citizenry in the protection of the natural resources. The corporation will also promote other civic interests such as assisting local governments on community building and sustainable development and conduct seminars and presentations to the public at large of a wide variety of related matters.

3. The mission of Erie County Environmental Coalition:

The Erie County Environmental Coalition (ECEC) is a network of regional conservation and environmental organizations that provides member organizations a united presence that will maintain and improve the quality of the environment and address related social justice concerns.

4. My present address is 5270 W 50<sup>th</sup> Street, Fairview, PA 16415.
5. I understand that this declaration is to be used in connection with litigation over MillCreek Township and MillCreek Township Sewer Authority's failure to perform its duties under the Clean Water Act. I am supportive of this litigation.
6. I have used and continue to use Pennsylvania's waters, including Walnut Creek. Particularly I like to fish and use the waters recreationally.
7. I enjoy participating in the aforementioned activities approximately 5 times a week.
8. My enjoyment of the Walnut Creek has been severely impacted by the continuous discharge of raw sewage and/or inadequately treated sewage by Mill Creek Township and Mill Creek Township Sewer Authority into Walnut Creek. These discharges also enter into the tributaries surrounding Walnut Creek as well. These discharges are being conducted without a NPDES permit. Additionally, The Township and the Sewer Authority do not have a Pennsylvania water quality management permit for these discharges. My enjoyment of Walnut Creek has been significantly impacted by MillCreek Township and MillCreek Township Sewer Authority's continuous discharge of significant amounts of raw sewage and/or inadequately treated sewage into Walnut Creek and its surrounding tributaries without a NPDES permit or a Pennsylvania water quality management permit in the following ways: When I was a boy of 17 in 1935 I became interested in fishing the tributaries of Lake Erie. Fishing once or twice a week, I managed to catch a variety of fish that I would bring home to share with my family. Since retiring in 1984, I have the pleasure of fishing as often as I wish, as much as four or five times a week, from early September until the creeks freeze. Since the late 80s and early 90s I no longer eat any of the fish I manage to catch from Walnut Creek. Eating Fish from a contaminated drainage is a health risk that I am no longer willing to take. I do not believe that the public is fully aware of the extent of the problem at Walnut Creek and I am deeply concerned for their health and well being. I urge the public's full support of efforts by environmental groups to correct this health hazard.
9. I believe that my loss of enjoyment of Walnut Creek is a direct result of MillCreek Township and MillCreek Township Sewer Authority's failure to ensure that water quality standards are implemented within the township.
10. This court has the ability to ensure that Pennsylvania's waters are preserved for my use and enjoyment, as well as future generations, by forcing MillCreek Township Sewer Authority and MillCreek Township to comply with the Clean Water Act.

I VERIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT. EXECUTED ON 11/9/05 (date).

Jimmy Dallas  
NAME